



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995

Application Number	09/408,068
Filing Date	September 29, 1999
First Named Inventor	Roger Shealy
Group Art Unit	1761
Examiner Name	Keith Hendricks
Attorney Docket Number	42655/214299

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may file a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ Check in the amount of \$2940.00 is enclosed for the following fees:
- i. ☒ RCE fee under 37 C.F.R. § 1.17(e), REQUIRED when filing the RCE. (\$740)
- ii. ☒ Extension of time fee under 37 C.F.R. 1.136 and 1.17. (\$920)
- iii. ☒ Petition to Revive under C.F.R. § 1.137(b). (\$1280)
- b. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 11-0855

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Type Name	Stephen M. Schaezel	Reg. No. 31,418
Signature		Date: August 5, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Type Name	Stephen M. Schaezel	
Signature		Date August 5, 2002

**RECEIVED**

AUG 22 2002

OFFICE OF PETITIONS



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of )

**ROGER SHEALY** )

Serial No. **09/408,068** )

Filed: **September 29, 1999** )

For: **IMPROVED COOKING** )  
**APPLIANCE AND METHOD** )  
**OF USE** )

Art Unit: **1761**

Examiner: **Keith Hendricks**

---

**AMENDMENT & RESPONSE**

---

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Official Action mailed February 9, 2001, please enter the following amendments and consider the appended remarks. Reexamination and reconsideration of the application in view of these amendments and remarks is respectfully solicited.

**AMENDMENT**

With specific reference to Claims 4-6, the Examiner has rejected said claims under 35 U.S.C. § 112, first paragraph, and containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Applicant respectfully disagrees with this rejection. The reference terms "product multiplier" and "derived compensation multiplier" are descriptive of the process by which the present

**RECEIVED**

**AUG 22 2002**

**OFFICE OF PETITIONS**

invention employs a non-linear, exponential cooking compensation that breaks or segments the cook cycle into multiple time increments and, for each such increment, compares the actual sense temperature to the temperature reference variable for the specific product selected for cooking. The compensation further calculates a compensation value by means of a user-defined, programmable exponential equation, and augments or compresses the cook cycle prime in accordance with that value. The equation, of course, is set forth in the formula identified in Claim 4, Claim 5 and Claim 6. As described at pages 29-32 of the specification, contains an enabling disclosure by which the person of ordinary skill in the art would understand the definitions of "product multiplier" and a "derived compensation multiplier." In other words, the person of ordinary skill in the art would recognize that the use of the acknowledged constant "1.41421" as a product multiplier and the use of the value "2" as a derived compensation multiplier is recognized by those of skill in the art. Such concepts are believed well-known to those with statistical theory backgrounds.

Accordingly, use of the descriptive terms "a product multiplier" and "a derived compensation multiplier" were utilized in response to the Examiner's rejection of Claims 1-7 under 35 U.S.C. § 112, second paragraph in the first Official Action of January 19, 2000. Since these terms are merely descriptive of the process described at the referenced pages of the specification, applicant respectfully submits that they are not ambiguous, but rather, definite and described. Alternatively, applicant submits the following amendments to said claims in response to the Examiner's rejection under 35 U.S.C. § 112, first paragraph.

#### **In the Claims**